

The Manasquan Planning Board held a Special meeting at 7PM on November 15, 2016 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, New Jersey.

Chairman Neil B. Hamilton opened the meeting and asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

Neil Hamilton, John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin and Kevin Thompson

Board Members Absent:

Mayor Ed Donovan, Councilman Owen McCarthy, Leonard Sullivan

Professionals Present:

Albert D. Yodakis, Planning Board Engineer/Planner

Geoffrey S. Cramer, Planning Board Attorney

Geoff Cramer read the rules of the meeting – Sunshine Law Statement.

APPLICATION #33-2016 – DeFabritus, Vincent – 148 McLean Avenue – Block: 159 – Lot: 2.02 – Zone: R-1 – Mr. Cramer swore in Vincent DeFabritus. He proceeded to explain to the Board what his intentions are with regards to his property. He said he would remove the shed and cabana and incorporate them into the new addition. There is no parking on the premises. Al did a report and addressed it stating there a number of variances associated with this application. Lot area, lot frontage, front yard setback, is existing. Proposed maximum building coverage, 25% is permitted 31.7% is proposed. Side yard setbacks, 5-feet are required on both sides, 4.5-feet proposed on the west side and on the east side it wasn't clear. Mr. DeFebritus said he thinks its 2.5-feet. Al said because there is a bump out there, the Board needs to assign a number to that variance. We need a definitive number if you receive approval tonight. Bob Young said he was out there and looked at this and it's not flush with the house, it bumps out. Mr. DeFebritus said it does bump out and it's flush with the fence. Peter Ragan did the calculations and said 1 1/2-foot. Al asked if Mr. DeFebritus is good with that. He answered we have a little bit of an easement on that side. Al said are you ok with a foot and one-half, you have to give us a number of what you are asking for. Mark Apostolou tried to explain it to Mr. DeFebritus. Geoff Cramer said you will have to abide by your Resolution. Mr. DeFebritus again mentioned the easement. Al asked if the plans were done in conjunction with his builder or who is going to be doing this work? Mr. DeFebritus said no. Al said it looks like you are asking for a foot and one-half. Geoff asked about an easement and does one exist. Mark Apostolou explained the meaning of an easement. Al said there was not an easement that showed on the Survey. Neil said so your addition, you are trying to bump out outside the footprint of the main house, so we establish on the east side it's a foot and one-half. Mr. DeFebritus said yes. You are also requesting from this Board to bump out on the west side of this property from the footprint of the house. Why can't you contain this addition to

match the existing footprint of the house? Mr. DeFebritus said space, where the cabana is there is a fence. Neil said you have a small piece of property, you provide no onsite parking, you are trying to make an expansion outside of a footprint that's already there. You need to provide to this Board where the hardship is that we should grant the variances that you are requesting and why you can't contain this within the footprint of the house. Mr. DeFebritus said the house is very tiny, they are planning on moving there, he lives there now. His spouse and he have a house in Freehold and they are retiring and this house is very tiny. We are trying to make the house the best it can be, they want to put a half bath in there. He also works from home part time and needs a space for that, but the house is just a little too small. Neil said in his opinion the applicant is trying to squeeze in a little bit more than the land can handle. Mr. DeFebritus said what's there now is comfortable. Mark Apostolou said if you extended lengthwise to the footprint and restricted it on the side yard that would still give you considerable amount of square footage additional. Mr. DeFebritus said he is fine with that, he didn't know that was an issue. He just wants to try to get some of these things done. As far as structure that would work easily. Peter Ragan said for instance if you were to go back 12-15-feet and keep the side yard setbacks the same, could you do that. Mr. DeFebritus said he could make that work. He doesn't want to go back any further because he loves the piece of property and doesn't want to lose it. He had no damage from Super Storm Sandy at all. Neil said he thinks what the Board has heard, we may not be happy with the side setbacks, but we don't have an objection to increase your rear yard setback. Board members asking questions were John Muly, John Burke, Mark Apostolou, Neil Hamilton, Peter Ragan, Robert Young, Greg Love, and Mark Apostolou. The applicant will be closing in the porch and it will be a three season room. Al Yodakis said the building coverage will be 31.7%, he will shrink the addition down but push it back toward the rear yard. John Muly said just to make it clear, on the east side if you stay flush to continue the house going back, that's going to be 2 ½-feet there setback, so you are going to cut that back a foot and one-half. Mr. DeFebritus said right. John said just a half a foot on the left side, so actually you could keep the dimensions you have and just squeeze your porch a foot and one-half. Mr. DeFebritus said he really doesn't want to go into the back yard. Mark Apostolou said your Engineer would have to draft something that is 31.7% actual building coverage within the setbacks that presently exist, and whatever that is that is what you have to direct your architect to draw. Geoff said so the westerly side yard setback is going to be 5-feet and 2 ½-feet on the other side. Neil said just stay with the outside wall of the house and just makes it square, and hold his building coverage to 32% maximum. Geoff said referring to the Engineer's report it states replacing all curb and sidewalk on McLean Avenue. Mr. DeFebritus said no, we're not doing that. Al Yodakis said anything that's damaged during construction will have to be replaced. Al said just so the Board is aware, Mr. DeFebritus did respond to a couple others of his comments that's why he didn't address them. Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke, all in favor none opposed. There was no public participation. Mark Apostolou made a motion to close the public portion, seconded by Greg Love, all in favor none opposed. John Burke said he thinks we should approve the application with the east side staying flush to the house, on the west side the addition will be at the 4 ½ feet from the property line, maximum building coverage of 32% square feet, Mark Apostolou seconded the motion.

Board Members Voting Yes:

John Muly, Robert Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, Kevin Thompson and Neil Hamilton.

Neil explained to the applicant that his Resolution will be memorialized at the next meeting, when all is said and done you will have to provide an amended survey and an as-built to show you are in compliance with the Resolution. The applicant said fair enough.

APPLICATION APPROVED

APPLICATION #30-2016 – OCLAR, RALCO, LLC – 49 Forest Avenue – Block: 29 – Lot: 1 – Zone: R-1 – This is a continuance of Atlantic View Cemetery. Neil addressed Kevin Starkey, attorney for the applicants. He said at the last meeting the Board requested that Mr. Starkey and his clients sit down and have a meeting with Mr. Yodakis and Mr. Middleton, as the objector's attorney and Mr. Carpenter. So, we can resolve these things without going to a public hearing that we as novices and not engineers don't have to go through another presentation of this is what we think we are going to do. Unless you have another plan tonight, he hasn't heard from Mr. Yodakis who advises the Board that these issues have been resolved. There were plans submitted, I don't know if they made the 10-day window, I doubt that. Mr. Middleton may object to proceeding on tonight other than getting the preliminary information, Does he need some advice from us this evening, in Neil's opinion, he thinks that is why you are here. If you have some issues where you need direction from this Board, that's what we are willing to offer tonight, but to go through more exhibits and all, that's not what this is all about. You want to resolve whatever your issues are, we know you are going to have to continue this application and come back. I very much doubt this will be resolved tonight. Mr. Starkey said he was hoping he was going to complete our presentation tonight. Maybe the best thing to do is let me proceed. There have been several discussions between Mr. Carpenter and Mr. Yodakis, especially regarding the drainage issues. There was a report that was issued, a summary provided by Mr. Carpenter, information that had already been presented to the Board and Mr. Yodakis. He said he called Mr. Middleton about four (4) times; he did not get back to him, unfortunately that has not progressed, not for lack of trying on our part. What he would like to do tonight is provide a brief testimony on the application of the subdivision by Mr. DeCharme who is the principal of RALCO, LLC. He also has present Mr. Nikola, principal of the cemetery and Mr. Carpenter felt that the issues he discussed with Mr. Yodakis zeroing on the issues that were the topic of discussion, primarily drainage and turn around issue. Let me just complete the application on the subdivision, that shouldn't take long and then Mr. Carpenter will then give testimony. Mr. Middleton stood and said at the end of the last meeting he believes it was abundantly clear that the applicant was directed to provide a drainage report to Mr. Yodakis, that would be drawn in accordance with the Ordinances with the DEP regulations, specifically the applicant is required to calculate the existing runoff from the site for a two-year storm, 10-year storm, 100-year storm. That's the preliminary information. This is what exists, here are the numbers, here is how I calculated the numbers, that's done by Mr. Carpenter. Mr. Carpenter has probably done it a thousand times. They calculate the runoff for post-development. According to the Borough Ordinance and DEP regulations the runoff post development must be reduced by 50% of a 2-year storm, 80% of 100-year storm. They can do this on a computer. Neil asked if Mr. Carpenter had these numbers tonight. Tim said either the

applicant has failed to do that, despite the request of your Board, your Engineer and myself. I don't think that's actually what happened. I think they've done the numbers, they don't match. Mr. Middleton said Mr. Sharkey did reach out to me and we spoke on the phone last week. He e-mailed me last week and stated he wanted to meet. My response was I haven't gotten any plans. Mr. Middleton also spoke to Mr. Yodakis on Tuesday a week ago and he told me he had not received plans yet. Where are we going without a drainage analysis which is required by Ordinance and is State Regulation? I'm here tonight, the plans were not submitted within the 10-day law, and we have no drainage analysis. Neil said you will certainly get your opportunity to review this after this meeting if you need more time. Tim asked Al if he received a drainage report and Al said he received an abbreviated drainage report which was a summary of what was included on the original plans. Which was looking at the Manasquan Ordinance and how you would re-charge a single-family dwelling? Not a pre and post analysis for the 2, 10 and 100-year storms. Al said in his report he stated he needs a full drainage analysis of pre and post storm. He doesn't have it. Mark Apostolou asked Mr. Cramer if Mr. Middleton is entitled to have that in advance of the hearing so he can have an expert and if so, he doesn't want to violate something that Judge Thornton eventually may throw, I'm trying to look prospectively at this and say ok, let's assume we go and there is an appeal. If procedurally he is entitled to and we don't have it, we are going to be spinning our wheels for nothing and be back at the same spot. Mr. Starkey said we are all talking here in the abstract. Mark Apostolou said no we are not talking in the abstract because my legal question to our attorney was and I don't know the answer to this and I apologize, if there is a rule that says that's it's to have been in advance, so Mr. Middleton can have an expert review it, and we have breached the rules, I just think we are spinning our wheels. Whether or not Mr. Carpenter is going to testify tonight. Mr. Starkey said Mr. Carpenter is going to testify as to what has been provided. My understanding from Mr. Carpenter is that your Engineer who you rely on for this kind of analysis and information, has said that what he has been provided is sufficient for him. Al Yodakis said that is not accurate, I discussed this with Mr. Carpenter, I said I do believe we need a full drainage analysis, because we have an increased impervious on the cemetery, the parking and we have this nebulous issue with what is going to happen with the road, whether it's a cul-de-sac or the T turn-around or whatever the Board decides here, that's going to affect the impervious as well. Do I think that can be worked out, that Mr. Carpenter and I could come to an agreement on the drainage, yes; I think we could but these are all nebulous ideas and we don't have any concrete resolution. I figured Mr. Middleton would object to the fact that the plans were not in 10-days prior. I was hoping tonight, the Board could provide some guidance as to what type of turn-around or road improvements will be required, because if that is ironed out then the drainage calculations can be done for whatever that total impervious coverage is going to be. That would be something that could be given to Mr. Middleton, he could review it or have his expert review it and hopefully we could move forward to a conclusion. Mark Apostolou said again he just goes back to procedural and rules because that's what he lives by. Neil asked Geoff to proceed on. Mark said it is stipulated that it was not received within the 10-days, so we ask our attorney. Geoff said basically what the applicants attorney has said is there have been proffered an abbreviated drainage report. But that is not consistent with what the Ordinance requires. The Ordinance requires, it's very definite in what it wants from the applicant with respect to a drainage plan, and he

thinks in this case we need to have the full drainage calculations and plan. I say that because in reviewing the Board's file from 2005 with respect to the Mausoleum, it indicates very clearly that this wooded area is the subject of the application for development for five (5) lot building lots, was part of the drainage plan for that Mausoleum. It's very clear to him that it is. It's all about the water, gentlemen. You need to have a drainage plan, a full plan that can be reviewed by the Board or the Board's professional or the opposition. Mark Apostolou said if prior resolution incorporated the applicant's Engineer and that drainage is now the subject property, he would like to hear from our Engineer, presently on the Board. Al Yodakis said that would need to be taken into account. Mr. Starkey called Mr. DuCharme to give a brief testimony. He has already been sworn in previously. He said he is the owner of RALCO Builders, he wanted the Board to understand who is, he lives in Town, he has been here for 15 years, and his wife has been here for probably 25 years. His children go to the elementary school and he has a construction business called RALCO Builders, they do mostly new houses. They used to do additions. They did a lot of work post Sandy. He has done over 18 new or additions in Manasquan. His reputation is pretty good as far as quality of work. He likes to keep his reputation upstanding as he lives in Town. His office is on Sea Girt Avenue. When he found this property and made a deal with the Nikola's. He had a vision of how he wanted that Street to look. He had a rendering done. When people hear there are going to be five (5) houses there, they think it's going to be this big, huge development and it's going to be a tract home builder. Those are not the kind of houses I want to do there. I live in Town, I state my reputation on the work that I do, and I want nice houses there. My part to help improve this Town and make it better than it already is, is to build some new houses. He thought the neighbor's would be happy to see some new houses there instead of just looking at woods. I found out very quickly that's not the case. This is a rendering we have done which Geoff marked Exhibit A-1, we are going to do a nice curb line, parking for two cars for each driveway. They all have garages, so it's also an additional parking space people can use for those. We also plan on putting Street trees right along the front which is in keeping with the rest of Manasquan. We had already planned on doing before it was requested is either Leyland Cypress or Arborvitaes around the entire perimeter of the rear of the property and the sides. We want to block the view a little bit of the cemetery for privacy. We do irrigation, we put ornamental trees in, we landscape. We have two pictures Exhibits A-2 and A-3; these are two of the houses I built on Pine Avenue. They will put five (5) completely different elevations on the front, so they won't all look the same. We want them to be individual, different colors and then the people who will buy them will get to pick their interior selections. Neil asked how many bedrooms and bathrooms and basement each house would have. Mr. DuCharme said each house will have an unfinished basement with the option to finish, they are about 2600 square-feet without the basement, 4 bedrooms and 2 1/2 bathrooms each. Geoff Cramer asked if the rendering shows the complete removal of the woods is that correct. Mr. DuCharme said there are still trees behind there, but as far as where we are we had to clean out a lot of the trees, a lot of it is dead scrub brush, there are some bigger trees, some good some not. Mr. Starkey asked him about Mr. Yodakis' report dated November 10, 2016 #6, it references how you are proposing to extend a 6-inch water main along the frontage of the lots and then the connection from a dead end main on Gardner Lane, to the 8-inch main on Central Avenue. He said just tell me what you are going to do and what the consequences of that will be. Mr. DuCharme he proposes to

extend the water line, there is a 4-inch line here now, but there is a T, we are going to increase that line to 6-inch all the way down to the end of the Street, we are also going to have to put a new manhole in that extends down the sewer line a little bit further down the Street as well. We are going to connect that with a new corporation at the intersection there and then at the other end of Gardner, we are going to connect a 6-inch water line out to Central Avenue, so we are going to loop the entire neighborhood and it will increase the water pressure for all the houses in the entire neighborhood. Right now the pressure is pretty minimal at best. We are also going to put in a new fire hydrant, there is one there now, but we are going to replace it and connect it to the 6-inch line. We have met with the Fire Department as well and they were excited that they were going to get another fire hydrant because they said they would not connect to the existing one now if there was a fire on that Street, they would go out to one of the other hydrants. We have offered to absorb all the cost as well, so there wouldn't be any cost to the Town. Mark Apostolou asked him if he was willing to contemplate a cul-de-sac. Mr. DuCharme said we did an analysis of what would happen if we did a cul-de-sac, if we had to do one, we would have to take out two of these lots to get a cul-de-sac in there. Mark said there is no other property you can negotiate with the owner of the cemetery to accommodate a turnaround in that area or a cul-de-sac. Neil DuCharme said they have already gotten approval from the cemetery Board to give us the piece that we have contracted for. Mark said so you are saying it's not impossible, but you would have to re-negotiate that. Mr. DuCharme said it would take away two of the lots completely. Mr. Starkey said he points out that would be a taking of someone's property whether it's the cemetery or the developer here and he will have Mr. Carpenter testify about taking of private land for public use. Mr. DuCharme said we are going to do a T turn-around at the end there which we would curb off so you could get access in there for emergency vehicles and other cars at his cost. Neil Hamilton asked if there was any reason when he developed this concept and what he was going to buy, why the property started from Gardner's Lane and went North, why you couldn't have shifted that project somewhat to the south that you would have had one or two houses to the south of Gardner Lane. Neil DuCharme said he believes because there are graves there and we couldn't go any further because of that. John Burke said he walked the property today and that area to the south has some of the oldest graves in the cemetery in there some of them from the 1700's and they are right up to the edge of the woods. They are so worn you really couldn't read the dates that well. Mr. Middleton said to make the record clear, the issue with the turn-around, cul-de-sac is really more economic for you is that correct? Mr. DuCharme said our contract is for the piece that we have. Mr. Middleton said you could re-negotiate your price. Mr. Starkey said it's a legal issue as well. That is taking property on behalf of both of my clients, we would not agree to, unless there is compensation for that public taking of the property. Mr. Middleton said he is dead wrong, Mr. Starkey said he's not. Mr. Starkey had a couple of questions for Mr. Nikola who was sworn in previously. He is one of the principals of the cemetery association. There was a question last time about whether or not you would agree to put a 10-foot conservation easement running along behind the homes, planted with either arborvitae or Leyland cypress and you agreed to that. After you sat down the question was asked whether or not you would agree to the same 10-foot conservation easement along the sides which would be the north and south side of the development. We didn't answer that question, can you answer that now. Mr. Nikola said he agrees to a 10-foot conservation easement around the entirety of the

subdivision, and to be planted and remain in that state. There were also questions as to whether or not you would agree to a wider or broader conservation easement extending further into the cemetery property another 15-25-feet, have you had a chance to consider that? Mr. Nikola said the cemetery wouldn't do it, we need whatever land we have left to increase our perpetual care fund. We need to put \$300,000 an acre for our perpetual care money and in order for me to achieve that I need those lands for it and also for additional graves. Mr. Starkey said that is all I have that was left open at the last meeting. John Burke said on the south side it may be very close to the existing graves and Mr. Nikola said as long as we plant I'll call them Leyland cypress there, it might not be 10-foot but we'll get the full buffer. You will get the effect that you want. Next, Mr. Starkey called Mr. Carpenter to get to the meat of the issues. Mr. Carpenter had been sworn in previously. Neil Hamilton said it seems like we are still going back to the bulb or the T-turn at the end. This seems to be the whole hinge on moving on with this project of where the design is going to be for drainage, etc. Is that correct? Mr. Starkey said he hopes there are only two (2) issues left; one is the turn around and the drainage. Mr. Cramer said what he heard is your client is willing to do the T turnaround because that doesn't impact the 5-lot subdivision. Neil asked Al if he wanted to make any comments. Al said before we get into that is Mr. Carpenter is going to commenting on my reports and the changes he has made, I don't know that the Board should be hearing that testimony if it's about the plans that weren't submitted to the Board ten (10) days prior to the meeting. Neil said this goes back to my opening statement, if you need some direction from us that we can help you out tonight, that's probably as far as we can go. Mr. Starkey said you said at the beginning and I didn't know we were going in this direction, you said we would probably be back here. I'm here, the Engineer is here, I have the two (2) principals here, and I ask that you let us present testimony. It sounds like you have already concluded that the information submitted is not adequate on the drainage. Mark Apostolou said I can't speak to that, all I'm saying is I'm looking at an appeal situation, what Mr. Middleton will have to say to Judge Thornton, listen I never had this stuff, due process has been violated on my behalf, I didn't have my expert there. You're going to be calling for a vote. Mr. Starkey said I ask that you hear Mr. Carpenter's testimony, maybe we just take it as it comes tonight. He submitted what he submitted. Mr. Cramer said he doesn't have a problem as long as Mr. Carpenter's testimony is in the direction of this discussion concerning the end determines of Forest and starts and stops with that. Neil said if it gets to the point that Mr. Middleton is going to object to it then we are going to have to stop. Mr. Middleton said to clarify for the record, he doesn't have an objection tonight in hearing Mr. Carpenter testifying about the bulb turnaround. Mr. Carpenter said he did an analysis on a cul-de-sac based on the RESIS standards for a cul-de-sac which is a 40-foot radius for the inside curb. Basically, this will take two (2) lots. Geoff marked the drawing as Exhibit A-4. In the RESIS requirements an 80-foot diameter cul-de-sac is called for in the RESIS requirements. Mr. Starkey said he is presenting this to show what it would do to the plan, it's certainly not a preferred solution. I would like it on record that if that were a condition that were required, that's not something my client would undertake to do at his cost, that would be done under protest and the net effect of that would be is if the taking of land from my client and is required to put in a public improvement on that land that has been taken from him, we are legally entitled to it and we would look to the Borough for contribution for that. The T turnaround, my client would bear that cost entirely himself, even though it is

technically for the public, he will pay for that just as he would for the water line construction. Mark Apostolou asked what property is that, Mr. Carpenter said we would have to get additional easement for taking from the cemetery for that little 30-foot. Mark said but the cemetery wasn't willing to give, from Mr. Nikola's statement. Mr. Starkey said Mr. Nikola in referring to the T turnaround doesn't have an intention to use the portion that would be required for that turnaround and he would consent to that being used. Mark Apostolou said that wasn't his testimony earlier. His testimony was he couldn't give any additional property up because of the cost. Mr. Starkey said he was talking about behind the cemetery, he doesn't have intention to use that property on the north side for graves. Mark asked how much area is on that north side. Mr. Carpenter said 19.57-feet, and 30-feet deep. Mark said but what about the remaining area, how much land is there further north of that point. If he's willing to give 19-feet maybe he would be willing to give 90-feet for a cul-de-sac over that way. Al Yodakis said you couldn't extend it that way, maybe 19-feet, but you have a dwelling back there and also you would be running into wetlands. Greg Love said we had just talked about the arborvitaes around entire project, wouldn't that fall into the 10-foot berm area on the side. Mr. Starkey said he is willing to do it, there was a request about a year ago that the curb line be extended all the way down, if that is what the Board prefers then there would be a 10-foot conservation easement that would have arborvitae planted in there, if you wanted the T turnaround, then that would intrude into that conservation easement, although I think there would be a piece at the back. Mr. Carpenter said we could take the arborvitaes and come down the north property line and across the back of the T-turnaround, totally enclose the project. Al Yodakis said with the cul-de-sac is a requirement of RESIS if this were a brand new development, if they were building a new Street they would have to provide that. There are a number of considerations that the Board needs to make here, safety, it's an existing dead end which has function for as long as the Street has been there. Also, constructing a cul-de-sac bulb is not an easy thing. The land as we know goes up at a pretty severe angle, so you are going to be cutting severely into that slope to create a large flat cul-de-sac bulb. Then there is also the impervious coverage issue which you are going to need some kind of rather large drainage facility now, Mr. Carpenter would have to address that. Potentially some kind of basin, or re-charge system or something like that. Mr. Carpenter said you would have to take the back of this property and turn it into basin to deal with the drainage just for the cul-de-sac. Al said you would have to dig that even deeper, the backside of that would be a foot because you are fighting grade there. Now, we also have the long term maintenance issues that the Borough is now going to have to deal with if there is a cul-de-sac bulb. The Board needs to consider that as well. We have the cul-de-sac bulb, the T turnaround, which Al is normally not a fan of RESIS usually only designs those only for multi-family Townhouse/Condo's those types of uses. Potentially some kind of Street widening, or leave the Street the way it is. I think tonight this is the crux of our discussion, providing them with some direction as to what the Board thinks would work here and then that dovetails into being able to correct the drainage. John Burke asked if anyone from our Fire Department looked at this and he was told yes. Al said emergency services and Police commented on the original application as was proposed and they had no comments. Neil said to fight a fire, having that T is only going to service one home. Neil said if there was a fire, having that T is only going to service one home. I don't think you gain anything by either one, not much. Neil said in his discussion with a couple of principals of the

Borough, certainly the Borough is relying on Al's expertise to give us direction. The Borough is not looking to increase any areas of liability or maintenance as for a T or a cul-de-sac. They are certainly not looking to put forth any contribution to this project. The whole thing is hinging on us; we need Al's direction as to what is practical, what is common sense to move forward with this project. If the T and the cul-de-sac are what is being hinged on and we need direction on that so we can then devise the drainage plan, that's what the applicant needs to know tonight. Do you want A, B, or nothing. Kevin Thompson asked Al what his opinion was on this. Al said flat out, a cul-de-sac is going to be extremely difficult to construct, the Borough will be saddled with it and a gigantic basin that is going to have some type of retaining wall that serves not a lot of purpose. The T, he could take it or leave it. He is normally not a fan of those types of T turnarounds, emergency services are not going to use it. Then that last house ends up getting headlights in their windows. Ray Carpenter said the Street is adequate to make a K-turn. Al said absolutely, does the Borough want to look at some type of parking restrictions at the end of the Street. That's outside the authority of this Board. Mark Apostolou said if the applicant is willing to spend a lot of money providing this T turnaround, can he spend that money to make the homeowners happy with drainage, water pressure, those were some of the issues I have heard. Mr. Middleton said yes they certainly are, one of the concerns with the turnaround is, you are bringing more activity to that area, it's very tight quarters down there, it's narrow, whether or not it's UPS, FED EX, he believes without a turnaround it will be difficult. He would rather see a T. Mark Apostolou said with a meeting of the minds here he would like to see this go forward. Neil asked Tim Middleton what his mission is. He said he would like to see some turnaround. Kevin Thompson said if it's what the neighbors want, then give it to them. Greg Love would like it on record that the design Mr. DuCharme has presented is wonderful, the Street is tight, even the Streets leading into Forest are very tight, he thinks five (5) additional houses there is going to be very congested. Peter Ragan asked if there was any way to widen the Street and back the lots up. Mr. Carpenter said the Street is 30-feet wide right now curb to curb, that actually exceeds the RESIS standards. Peter said the reason he asks that is because the congestion the way it is now, another five (5) or ten (10) feet on the width of the Street might be able to, he was interrupted by Mr. Carpenter who said that's a normal Street. You can go down to 22-feet RESIS allows. John Muly said if there is a T at the end there would have to be some restriction on parking. Mr. Carpenter said obviously yes. Mr. Starkey said in speaking for his client he has no objection for any parking on that side of the Street. Geoff Cramer said that is for the Council to decide, which is not this Board's decision. Geoff asked if they would describe for the Board if there are any in ground burials between the rear of this proposed subdivision and the Mausoleum proper is that correct. Mr. Carpenter said that is correct. Geoff asked what the limit of in ground burials to the right of the Mausoleum going north toward the bike path. Mr. Carpenter said there are no plots over there right now. Geoff asked to the west. Mr. Carpenter said to the west is where the Mausoleum is, there are no plots there now. But, if you go south right on the other side of the tree line, there are grave markers. Mr. Carpenter said we are not going to clear that area we are going to supplement it with arborvitaes. Tim Middleton said he has an observation, he asked if a Surveyor did a recent Topography or was it taken from Monmouth County site. Mr. Carpenter said the Surveyor verified the Topography, when you have a project this size, 23-acres to send a Survey crew out there to do Topography

would be a month long operation and cost thousands of dollars. The standard traditional method of doing a topography on large sites is we do have aerial topography, in Monmouth County we are lucky enough to have it available to us, when we go back in at the time of the individual lots send a surveyor out there to do a fine survey, but when we do a design of this nature it's more than adequate to use aerial topography. Mr. Middleton said the topography you show is taken from the Monmouth County survey. Mr. Carpenter said his surveyor verified that it's in the right datum and he actually verified a few points on that survey that I'm sure conformed with his graphics. Mr. Middleton told Mr. Yodakis that this topography does not even come close to what's out there, he knows it because he has been there. Mr. Carpenter asked Mr. Middleton if he was a Licensed Surveyor. Mr. Middleton said the point I'm making Mr. Chairman, Mr. Yodakis is this is a 1.125-million dollar deal, this is a huge deal, there is a lot of money exchanging hands here, if they can't afford to go out and do a real topography survey, there's a problem. Mr. Starkey objected. Neil Hamilton said the bottom line is when all is said and done we provide whatever and our drainage plan and all and if you are not happy with the numbers that come in then you know your options. Geoff Cramer said Mr. Middleton's point is well taken, because the Town's Ordinance requires Topographical, before the work is done and Topographical of what's it going to be like after the work is done. That's what your Ordinance says. Mr. Starkey said he agrees, but it's not Mr. Middleton's role to dictate how that is done, it's the Engineer's role and your Engineer needs to verify that it's done properly. Mr. Cramer said it's your client's obligation to provide that the Topographical to our Engineer so he can make that decision. Al Yodakis said he asked Mr. Carpenter to provide a conceptual grading layout, he realizes that may not be exactly what is built out there, but to demonstrate to the Board what the grades, retaining walls won't be required and the properties can be graded on this hill without massive earth work. With that I would ask that you verify with the Monmouth County aerals that the Topo you are providing us is accurate. Mark Apostolou said so you would be satisfied with that standard, the Monmouth County Topo's. Al said with the caveat that he just said that his surveyor has or is going to verify that is there. Ray Carpenter said he should reiterate here that we will have to go out and do more specific surveying of all these lots. When it came to doing the subdivision, the Monmouth County aerial gave us a general lay of the land, we actually did survey and did the Topo on course itself so that's actually been done. But, we will provide additional survey information on the project site and anywhere where we are going to alter the grades. Neil said you will meet the Drainage Ordinance of the Borough which Al Yodakis will verify. Mr. Carpenter said whatever Al requires. Mark Apostolou said I would ask everybody to keep in mind Mr. Middleton's objection initially with regards to the pre and post construction, Geoff's comment about your expert that you folks hired, as to the drainage behind the Mausoleum, if that is by our expert. Mark said your previous application in 2005 apparently the Resolution quoted Galoub, that's the one Geoff made reference to earlier. Mr. Middleton said he has no problem if the Surveyor is going to go out and do spot elevations on the Monmouth County Aerial, but he should appear and indicate where he did the elevations to confirm. Because he truly believes that topography is significantly off. Mr. Starkey said he believes Mr. Carpenter is more than qualified to testify to what has been done at his request. Neil Hamilton said he can bring the documentation in and if you're not pleased with it you know what your options are. Neil asked what the intention of the Board is. Do you want a cul-de-sac, a T-turn around, or

leave it as a dead-end. John Burke said he would like to see the T, some sort of a turn-around. Kevin Thompson made a motion to do a T at the end of the Street, seconded by John Burke.

Board Members voting for a T-turnaround:

Mark Apostolou said this is not final only a recommendation and all answered yes just a recommendation.

John Muly, Bob Young, John Burke, Barbara Ilaria, Greg Love, Mark Apostolou, Peter Ragan, Mark Larkin, and Kevin Thompson

Board Members Voting No:

Neil Hamilton – he feels it's a waste of impervious surface and won't be used.

He told the applicants now they know the Board's direction, they want to see the T, and so you can proceed with your plan on that and do the drainage.

Kevin Starkey said do you want this T to be paved. The Board members said yes, curbed and paved. Neil said see your documents together, let Al see everything, keep Mr.

Middleton in the loop and get it resolved. Mr. Starkey said he is more than happy to meet with Mr. Middleton, if he wants to meet he can call Mr. Starkey. Mr. Starkey said he hopes there won't be changes in the Board but he knows the Board doesn't know that. His Engineer said just given the amount of data and information required he asks to

Mark Apostolou said if Mr. Middleton in speaking to his client about the T and there is a change of heart, let's say the amount of money to create that T, and that money could go toward some other concerns the neighbor's have regarding maybe water pressure or something else, because he is not looking to have the Borough to have a lot of expense down the road with maintenance. He is looking out for the Taxpayers of Manasquan as well, so if there is middle ground if we can appease and make everyone happy. Mr. Middleton said he is here to only represent Mr. Deacon who lives at the very end of Forest. Mr. Middleton said he really needs a drainage analysis and he would be more than happy to sit down with Mr. Starkey.

This application will be carried to January 24th at 7PM.

Mark Apostolou made a motion to open the meeting to the public, seconded by John Burke.

Audience Members Coming Forward:

Nancy Neuman – 7 Gardeners Lane – she said there was a fire call on her Street just last week and the fire trucks cannot come down Gardner's Lane, they have to go down Allen Avenue to get to Gardeners, even the First Aid has trouble getting in. So, putting more houses and more problems will create more of a problem. Mark Apostolou said they already gave us their opinion and they said it wasn't a problem. She said there is a lot of clay on Gardner's Lane and she has sump pumps going all the time, so she is really concerned about the drainage coming from that area. Neil said that would be addressed at the next meeting. Neil said he was up there today and the water doesn't even flow north from Gardner's Lane to Forest Avenue, it's all pre-existing. There was a river up there today. Public Works was out clearing the leaves from the Storm Drains that were plugged. We are aware of that.

Mark Apostolou made a motion to close the public portion, seconded by John Burke.

Mr. Starkey said no further notice or publication. He was told correct; they would be seen on January 24th 2017 at 7PM.

Mark Apostolou wished everyone a Happy Thanksgiving.
Greg Love asked about Nominations. Greg Love said the Nomination Committee received three (3) applications: Legal, Engineer and Chairman. Neil Hamilton, Chairman, Legal, Geoff Cramer, and Engineer, Al Yodakis. He has not received any other nominations. We will convert on it in our December meeting. Neil said hang onto your cemetery paperwork. Barbara Ilaria made a motion to close the meeting, seconded by Kevin Thompson, all in favor none opposed.
Meeting Adjourned at 8:51PM

Respectfully Submitted,

Mary C. Salerno
Planning Board Secretary